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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,626

12/30/2005

Giuliano Sciocchetti

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EXAMINER

LARKIN, DANIEL SEAN

ART UNIT

PAPER NUMBER

2856

MAIL DATE

DELIVERY MODE

08/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/530,626	Applicant(s) SCIOCCHETTI ET AL.	
	Examiner Daniel S. Larkin	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 14-26 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- I. The species described on page 13, lines 11-12, which appears to be embodied in claims 14-19.
- II. The species described on page 9, lines 22-28 through page 11, lines 1-7, and shown in Figure 4, which appears to be embodied in claims 14-19 and 22-24.
- III. The species described on page 8, lines 5-8 and shown in Figure 2, which appears to be embodied in claims 14, 15, and 18-20.
- IV. The species described on page 8, lines 9-26 and shown in Figure 3, which appears to be embodied in claims 14, 15, 18, 19, and 21.
- V. The species described on page 11, lines 19-28 through page 13, lines 1-10 and shown in Figure 5, which appears to be embodied in claims 14, 15, 18, 19, 25, and 26.

Applicants are required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, Applicants must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

I. The species described on page 13, lines 11-12, which appears to be embodied in claims 14-19.

II. The species described on page 9, lines 22-28 through page 11, lines 1-7, and shown in Figure 4, which appears to be embodied in claims 14-19 and 22-24.

III. The species described on page 8, lines 5-8 and shown in Figure 2, which appears to be embodied in claims 14, 15, and 18-20.

IV. The species described on page 8, lines 9-26 and shown in Figure 3, which appears to be embodied in claims 14, 15, 18, 19, and 21.

V. The species described on page 11, lines 19-28 through page 13, lines 1-10 and shown in Figure 5, which appears to be embodied in claims 14, 15, 18, 19, 25, and 26.

The following claim(s) are generic: Claims 14, 15, 18, and 19.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Species I has the special technical feature of a second detecting element carried by a shutter surface, as described on page 12, lines 11-12. Species III-IV do not disclose a second detecting element, let alone a detecting element carried by the shutter surface. Species II discloses a second detecting element, but not one expressly carried by a shutter service.

Species II has the special technical feature of fixing the detecting element to the movable wall, as shown in Figure 4. Species III-IV do not disclose a detecting element, carried or fixed to the movable wall.

Species III has the special technical feature of utilizing a piston carrying the movable wall, whereby the piston comprised a rod having a threaded outer surface, as shown in Figure 2. Species I, II, IV, and V all disclose a piston carrying the movable wall; however, none of the other species utilizes a threaded rod as a piston member.

Species IV has the special technical feature of utilizing a piston carrying the movable wall, whereby the piston comprises a rod having a spring surrounding the rod and retaining means, as shown in Figure 3. Species I-III and V all disclose a piston carrying the movable wall; however, none of the other species utilizes a spring surrounding the rod of the piston member.

Species V has the special technical feature of utilizing a piston carrying the

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movable wall, whereby the piston comprises a rod within a rod forming the piston member, as shown in Figure 5. Species I-IV all disclose a piston carrying the movable wall; however, none of the other species utilizes a piston member comprising a rod within a rod having one rod movable independently of the other rod in order to separate a pumping operation from a shielding operation.

4. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

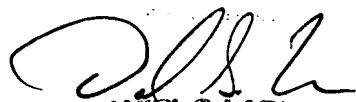
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Larkin  
AU 2856  
08 August 2007



**DANIEL S. LARKIN**  
**PRIMARY EXAMINER**